

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
U.S. Pretrial Services**

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4/6/05
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April 6, 2005

Honorable Reginald C. Lindsay
Judge, U.S. District Court
U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

RE: GRAY, Spencer
CR#04-10115-001RCL
Release Status Letter

Dear Judge Lindsay:

The above named defendant is scheduled to appear before Your Honor today for a Rule 11 Hearing and disposition.

Mr. Gray originally appeared before Magistrate Judge Marianne B. Bowler on June 24, 2004. On that date, Judge Bowler released Mr. Gray to a \$25,000 unsecured bond and restrictive conditions of release to include pretrial supervision; maintain residence; travel restricted to Massachusetts; third party custody to Lilian Jones; maintain employment; abide by curfew from 8:00pm to 6:00am; random drug testing; stay at least 1,000 feet from the Warren Gardens Housing Projects; and to report any arrests to Pretrial Services within 24 hours.

On September 24, 2004, a violation memorandum was submitted in response to curfew violations. (Please see attached).

On October 6, 2004, Mr. Gray appeared before Magistrate Judge Bowler for a revocation hearing. Magistrate Judge Bowler found Mr. Gray in violation and placed him on electronic monitoring.

A check with the Massachusetts Criminal History Systems Boards reveals no warrants and no new arrests while on release. This officer notes that with the exception of the above violation, Mr. Gray

BI VoiceID**Daily Verification Summary****For 9/19/04**

Client # 016609849
Client: Gray , Spencer

Agency: US Pt-MA Boston
Officer: Ulrich, Josh
Fax: 6177484114

Location 1 6179450266
Location 2
Location 3
Location 4
Location 5

Location 6
Location 7
Location 8
Location 9
Location 10

Schedule:

<u>Day</u>	<u>Start</u>	<u>Finish</u>	<u>MinCalls</u>	<u>MaxCalls</u>	<u>Alert on Failure</u>
Mon-Sun	00:00	06:00	2	2	2
Mon-Sun	20:00	23:59	2	2	2

<u>Time</u>	<u>Alert_ID</u>	<u>Event</u>	<u>Location</u>	<u>Number</u>
09/19/04 01:10	1302063	No Response	Location 1	6179450266
09/19/04 01:20	1302063	No Response	Location 1	6179450266
09/19/04 04:34	1302102	No Response	Location 1	6179450266
09/19/04 04:45	1302102	No Response	Location 1	6179450266
09/19/04 23:36		No Response	Location 1	6179450266
09/19/04 23:47		Verified	Location 1	6179450266
09/19/04 23:50		Verified	Location 1	6179450266

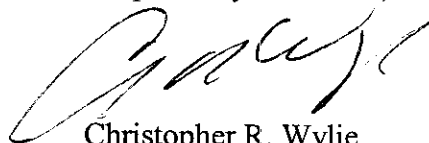
Honorable Reginald C. Lindsay

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April 6, 2005

has been in compliance with his release conditions. This letter is being submitted for informational purposes.

Respectfully submitted,

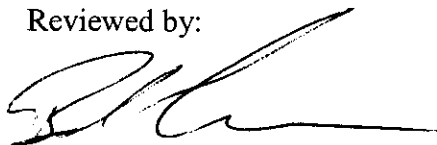


Christopher R. Wylie
U.S. Pretrial Services Officer

CRW

cc: David G. Tobin, AUSA
Thomas Ford, Esq.
Allyson Lorimer, DCUSPO

Reviewed by:



Basil F. Cronin, Supervisory
U.S. Pretrial Services Officer

BI VoiceID**Daily Verification Summary****For 9/18/04**

Client # 016609849
 Client: Gray , Spencer

Agency: US Pt-MA Boston
 Officer: Ulrich, Josh
 Fax: 6177484114

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<u>Schedule:</u>					
<u>Day</u>	<u>Start</u>	<u>Finish</u>	<u>MinCalls</u>	<u>MaxCalls</u>	<u>Alert on Failure</u>
Mon-Sun	00:00	06:00	2	2	2
Mon-Sun	20:00	23:59	2	2	2

<u>Time</u>	<u>Alert ID</u>	<u>Event</u>	<u>Location</u>	<u>Number</u>
09/18/04 01:45	1301443	No Response	Location 1	6179450266
09/18/04 01:57	1301443	No Response	Location 1	6179450266
09/18/04 03:24	1301463	No Response	Location 1	6179450266
09/18/04 03:39	1301463	No Response	Location 1	6179450266
09/18/04 20:43	1301763	No Response	Location 1	6179450266
09/18/04 20:56	1301763	No Response	Location 1	6179450266
09/18/04 23:45	1302007	No Response	Location 1	6179450266
09/18/04 23:55	1302007	No Response	Location 1	6179450266



PRETRIAL SERVICES

MEMORANDUM

To: The Honorable Marianne B. Bowler, Chief U.S. Magistrate Judge

cc: Patrick Hamilton, Assistant U.S. Attorney
Thomas Ford, Defense Counsel

From: Joshua Ulrich, U.S. Pretrial Services Officer

Re: Spencer Gray, CR#04-10115-01-RCL

Date: September 24, 2004

The purpose of this correspondence is to advise the Court of difficulties encountered in supervising the defendant. Among Mr. Gray's conditions of release is the condition that he submit to a curfew, all days, from 8:00 p.m. to 6:00 a.m. Since June 24, 2004, when Your Honor ordered Mr. Gray released on bail, he has repeatedly failed to answer curfew verification calls. This issue has been raised with the defendant on four separate office visits. During each of those meetings, the defendant insisted that, while he may have slept through some calls, he has never violated the Court-imposed curfew. In each instance, Mr. Gray was warned of the possible consequences of not answering curfew calls. He has been given additional instructions on BI curfew verification call protocol on several occasions.

From September 18 to September 19, 2004, Mr. Gray missed a total of 13 curfew verification calls. In short, he did not answer a single curfew call from 1:45 a.m. on Saturday, September 18, 2004, until 11:47 p.m. on Sunday, September 19, 2004. On Monday, September 20, 2004, the defendant was instructed to report for an office visit to address this apparent violation.

During that office visit, Mr. Gray, again, denied having violated his curfew. He noted that he had been celebrating his wedding to his girlfriend (they married on September 18, 2004), and may have slept through telephone calls after having consumed alcohol.

Honorable Marianne B. Bowler
RE: Spencer Gray

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September 20, 2004

On September 20, 2004, this officer spoke with third party custodian, Lilian Jones. Ms. Jones reported that the defendant has not violated curfew since being released. She further noted that she returns home from work an hour before the defendant's Court-imposed curfew begins and, as such, would know if the defendant were absent from the home evenings.

Although the defendant appears to be in compliance with his other conditions, this officer has been unable to accurately show compliance with the curfew condition due to missed telephone calls. In fact, given the recent uninterrupted period of missed calls and the subsequent investigation, this officer has formed three opinions: (1) the defendant violated curfew, and was not in his designated residence from 1:45 a.m. on Saturday, September 18, 2004, to 11:47 p.m. on Sunday September 19, 2004; (2) the defendant lied to Pretrial Services about having "slept through" 13 curfew verification calls over the course of two separate evenings; and (3) the third party custodian lied about the defendant's compliance with curfew in order to protect him from consequences. For these reasons, this officer respectfully recommends that the defendant be ordered to appear in Court to show cause why his bail should not be revoked.

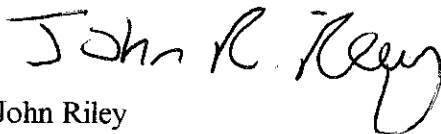
Respectfully submitted



Joshua Ulrich
U.S. Pretrial Services Officer

Attachments

Reviewed by



John Riley
Chief U.S. Pretrial Services Officer